No.



6200089

## THE UNITED SHAMES OF AMILERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

# Northrup King Co.

Tollicreas, there has been presented to the

#### Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW in such cases made and provided have been complied with, and the title thereto is, from the records of the PLANT variety protection office, in the applicant(s) indicated in the said copy, and whereas, upon due examination made, the said applicant(s) is (are) adjudged to be entitled to a certificate of plant variety protection under the LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF eighteen YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC KETLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXPLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING 1T, OPEN THE VARIETY OF USING IT IN PRODUCING A HYBRIU OR DIFFERENT TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

MUSKMELON

'Marathon'

In Testimony Watercot, I have hereunto set my hand and caused the seal of the Plant Variety Exotection Office to be affixed at the City of Washington this 28th day of April in

this 28th day of April in the year of our Lord one thousand nine hundred and eighty-three.

Levelan of Socientine

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Acting

Plant Variety Protection Office

Stain Dioision

Agricultural Marketing Service

EAST AND ASSESSMENT ASSESSMENT OF

UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE		FORM APPROVED OMB NO. <b>40-R3822</b>		
APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE INSTRUCTIONS: See Reverse.		No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).		
la, TEMPORARY DESIGNATION OF VARIETY	lb. VARIETY NAME			AL USE ONLY
	MARATH	ON RIC	PV NUMBER 8200089	
NKX 900	3. GENUS AND SPEC		FILING DATE	TIME A.M.
Muskmelon	Cucumis		4/5/82	11.45 <b>R.X</b> V.
	-		4/5/82 FEE <b>RECEIVED</b>	DATE
4. FAMILY NAME (BOTANICAL)	5. DATE OF DETE		\$ 500.00	4/5/82
Cucurbitaceae	January 1		\$ <u>250.00</u>	_3/28/83
f, NAME OF APPLICANT(S)		and No. or R.F.D. No.,	City, State, and ZIP	B. TELEPHONE AREA CODE AND NUMBER
Northrup King Co.	Code 1500 Jack P. 0. Box	son St. N.E.		The state of the s
1 0		lis, MN 55440		612-781-5305
9. IF THE NAMED APPLICANT IS NOT A P	ERSON, FORM OF		ED, GIVE STATE AND	11. DATE OF INCOR- PORATION
ORGANIZATION: (Corporation, partnership Corporation	, association, etc.)	Delaware	RPORATION	1896
12. NAME AND MAILING ADDRESS OF APPL	ICANT REPRESENTAT		EDVE IN THIS APPLI	ATION AND RECEIVE
ALL PAPERS:			IN THIS AT E	THE PART OF THE PA
		W. Romig		
	`	as above)		
13. CHECK BOX BELOW FOR EACH ATTAC			<b></b>	
[X] 13A. Exhibit A, Origin and Br	eeding History of th	e Variety (See Section	on 52 of the Plant Vari	ety Protection Act.)
🔀 13B. Exhibit B. Novelty Staten	ient.			
3C. Exhibit C, Objective Des	crintion of the Varie	tv (Request form from	n Plant Variety Protect	ion Office)
			n I tuni V Uriety I rotecti	ion Office.)
🕍 13D. Exhibit D. Additional Des	cription of the Varie	ty.		
14e. DOES THE APPLICANT(S) SPECIFY THAT SEE D? (See Section 83(a). (If "Yes," answ			RIETY NAME ONLY AS A	GLASS OF CERTIFIED
14b. DOES THE APPLICANT(S) SPECIFY THA		14c. IF "YES," TO 1	48, HOW MANY GENERA	ATIONS OF PRODUC-
LIMITED AS TO NUMBER OF GENERAT	IONS7	FOUNDATION	BREEDER SEED7  REGISTERED	CERTIFIED
				Î Î Î Î Î Î Î Î Î Î Î Î Î Î Î Î Î Î Î
15a. DID THE APPLICANT(S) FILE FOR <b>PROTECTION</b> OF THIS VARIETY IN OTHER COUNTRIES? YES WE name of countries and dates.)				
name of countries and dates.)  RIS 4/26/82-				
15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? YES (If "Yes, "give name of countries and dates.)				
16. DOES THE APPLICANT(S) AGREE TO THE JOURNAL? YES	HE PUBLICATION OF	HIS/HER (THEIR) NAM	ME(S) AND ADDRESS IN	THE OFFICIAL
17. The applicant(s) declare(s) that a viab	le sample of basic see	ed of this variety will	be furnished with the	application and will be
replenished upon request in accordance				L -1! (-) 4b -4 4b -
The undersigned applicant(s) is (are) to variety is distinct, uniform, and stable 42 of the Plant Variety Act.				
Applicant(s) is (are) informed that fal	se representation her	ein can jeopardize pr	otection and result in	penalties.
3/31/82		Pol	at he	1Comic
(DATE) (SIGNATURE OF APPLICAN				
		-	Robert W. Romig	1
(DATE)			(SIGNATURE OF APPL	ICANT)

FORM GR-470 (1-78)

#### **INSTRUCTIONS**

**GENERAL:** Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. **(See section** 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

#### **ITEM**

- Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method: (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity, and stability.
- Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop, If the new variety most closely resembles one or a group of related varieties:

  (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.

, V.

- Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as, plant habit, plant color, disease resistance, etc.
- If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.



#### Exhibit A

#### Origin and Breeding History of the Variety

### 'MARATHON'

- 1. **<NKX** 900 **>originated** from a hand-pollinated cross of the public variety **"Perlita** and a Northrup King breeding line designated **"Ribless #3."** The origin of **"Ribless #3"** is obscure but it is believed to be a **ribless**, sutureless selection out of commercial PMR 45. The cross was made in 1973.
- 2. Selfing along with selection for the absence of sutures and resistance to powdery mildew, Race 1, was carried through to the  $\mathbf{F_5}$  generation. Uniformity within and among progeny rows was achieved at the  $\mathbf{F_4}$  generation.
- 3. Five F<sub>5</sub> lines which appeared uniform for all traits were bulked after the 1979 growing season.
- 4. In 1980 the F<sub>5</sub> bulk was increased and reselected for fruit shape under screen isolation in Yuma, Arizona. This increase comprises the original breeder and foundation seed of NKX 900.
- 5. In the spring of 1981, a two-acre stockseed increase was grown in Yuma, Arizona. The population of plants and fruits in this increase showed excellent uniformity. A **growout** of this crop has confirmed uniformity.
- 6. Stability is indicated by the fact that the variety has not changed appreciably beween 1978 and 1981, during which time it has been advanced three generations.

#### EXHIBIT A (Addendum)

ORIGIN & BREEDING HISTORY OF THE VARIETY

The muskmelon variety NKX900>is uniform and stable.
No variants have been observed during the increase and production of the variety- ---



#### Exhibit B

#### **Novelty Statement**

MARATHON' RYS 3/3/83

CNKX 9007 is most similar to the PMR 45 varieties and Top Mark. I : resembles PMR 45 in most attributes but differs in fruit appearance because of complete lack of suturing. NKX 900 is sulfur resistant and crown blight resistant, whereas PMR 45 is not. NKX 900 differs from Top Mark in that it matures three days earlier, has resistance to powdery mildew, race 1, and has slightly s naller fruit size.

16 HARATIKUN	Approx . Days to Maturity	Sutures	Shape	Average Fruit Size	Disea le Resis <b>ance</b>
⟨NKX 9007	87	None	Oval	5" x 53"	Powd ry Mildew,
PMR 45 (ECS Strain)	83	Present	Oval	5½" x 6"	Powdery Mildew, Race
PMR 45 (S12 Strain)	8 7	Present	Oval	5½" x 6"]	Powd ry Mildew, Race
Top Mark	90	None	oval	5 <sup>1</sup> / <sub>2</sub> " x 6"	None
Planters Jumbo	91	None	Oval	6" x 7"	Down Mildew

PAGE 1 of 3

# U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE GRAIN DIVISION BELTSVILLE, MARYLAND 20706 OBJECTIVE DESCRIPTION OF VARIETY

Muskmeion (Cucumis meio	L.)
NAME OF APPLICANT(S)	VARIETY NAME OR TEMPORARY DESIGNATION
Northrup King Co.	< NKX 9007 MARATHON
ADDRESS (Street and No., or R. F. D. No., City, State, and ZIP Code)	FOR OFFICIAL USE QNLY
1500 Jackson St. <b>N.E.,</b> P.O. Box 959 Minneapolis, MN 55440	8200089
Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in first box (e.g.  ) o r when number is either 99 or less.	
1. TYPE:	
1 = PERSIAN 2 = HONEY DEW 3 = CASABA 4 = CRENSHAW 6 = OTHER	5 ■ COMMON OR SUMMER
2. AREA OF BEST ADAPTATION IN U.S.A.	
1 = SOUTHEAST 2 = NORTHEAST/NORTHCENTRAL 3 = SOUTHWEST	4 = MOST AREAS
3. MATURITY (FROM SEEDING TO HARVEST):	
8 7 DAYS	EM (EADLY)
Top Mark  1 = FORDHOOK G  1 = PORDHOOK G  1 = PORDHOOK G  1 = PORDHOOK G	(MIDSEASON)
NO. DAYS LATER THAN PMR 45 (ECS 3 = HONEY DEW (VALUE of Specify Strain) C 1	/)
4. PLANT:	
1 1 = ANDROMONOECIOUS 2 = MONOECIOUS 3 = GYNOECIOUS 2	4 OTUED
1	4 = OTHER
1 = VINE 2 ■ SEMI-BUSH 3 = BUSH	
5. LEAF (MATURE BLADE OF THIRD LEAF)	
3 SHAPE: 1 = ORBICULAR 2 = OVATE 3 = RENIFORM	
1 = NOT LOBED 2 - SHALLOWLY LOBED 3 = DEEPLY LOBED	
1 = LIGHT GREEN (HONEY DEW) 2 = MEDIUMGREEN 3 = DK. GREEN (F	RIO GOLD)
1 0 7 mm LENGTH	н
1 SURFACE: 1 = PUBESCENT 2 = GLABROUS 3 = SCABROUS	
6. FRUIT (AT EDIBLE MATURITY):	
1 4	1 0 5 0 gm WEIGHT
2	
2	
1	
	RIBS: <b>N/A</b>
- 1 - 1 - 0 - 1	VARTED 5 = SPINDLE SMOOTH 6 = ACORN 2 = NETTED
SUTURES:	_
1 1 = SMOOTH SHALLOW (GOLDEN 2 = NETTED DELIGHT) 2 = MEDIUM 3 = DEEP (HACKENSA)	CK) 4= No SUTURES - SEE EXHIBIT D  Apo 4/6/82
3 SHIPPING QUALITY: 1 = POOR (HOME GARDEN) 2 = FAIR (SHORT DISTANCE 3 = EXCELLENT (LÖNG DISTANCE SHIPPING)	E SHIPPING)
FRUIT ABSCISE: 1 = WHEN RIPE 2 = WHEN OVERRIPE 3' = DO NOT AB	sciss



#### Exhibit D

#### Additional **Description** of the Variety

MARATHON R/3 3/2/83

∠NKX 900 > Cucumis melo var. reticulatus Naud., has the typical plant type of most well known American cultivars. It is andromonoecious, having an abundance of male flowers borne in clusters at each node and occasional solitary perfect flowers beginning at about the fifth node. The leaf blades are generally reniform, shallowly lobed, and medium green in color. Leaf blade and ovary surfaces are pubescent. Internode length is normal.

Immature fruit are pubescent, uniformly medium green, and not mottled or spotted. When fruits achieve full size netting develops and eventually covers the entire surface. Netting is medium coarse and completely interlaced. There is no evidence of ribbing or sutures either in the immature stage or the mature stage of fruit development. Mature fruit shape is oval. The blossom scar and stem attachments are small (27 mm. and 15 mm, respectively).

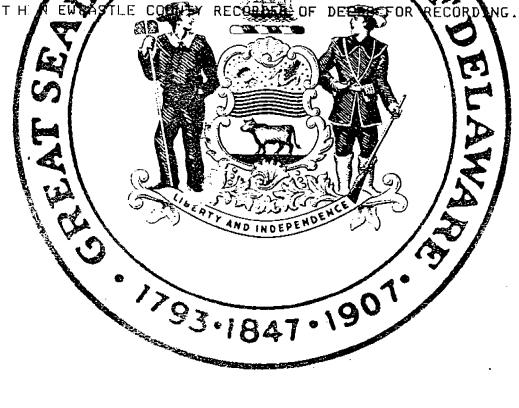
The fruit abscises (slips) from its peduncle as maturity approaches, indicating that is is ready to harvest. Full eating ripeness is not reached until sometime after **abscision** (depending on storage conditions) making NKX 900 an ideal variety for long distance shipping.

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## Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF 'NORTHRUP KING CO.', CHANGING ITS NAME FROM 'NORTHRUP KING CO.' TO 'NOVARTIS SEEDS, INC.', FILED IN THIS BETTE ON HE HERTIETH DAY OF DECEMBER, A.H. 1994, AMAS O'BLOCK A.M.

A CERT FIED COPY OF THIS CERTIFICATE WAS SEEN FORWARDED TO





Edward J. Freel, Secretary of State

0829320 38100

960389892

AUTHENTICATION:

8267947

DATE:

12-31-96

#### CERTIFICATE OF AMENDMENT OF CERTIFICATE OF INCORPORATION

OF

#### NORTHRUP KING CO.

It is certified that:

- 1. The name of the corporation (hereinafter called the 'Corporation') is Northrup King Co.
- 2. The Certificate of Incorporation of the Corporation is hereby amended by striking out Section 1 thereof and by substituting in lieu of said Section the following new Section.
  - 1. The name of the Corporation is Novartis Seeds, Inc.
- 3. The amendment of the certificate of **incorporation** herein certified has been duly adopted and written consent has been given in accordance with the provisions of Sections 228 and 242 of the General Corporation Law of the State of Delaware.
  - 4. The effective date of the amendment herein certified shall be January 1,1997.

Signed on December 27, 1996.

Edward C. Resler

Vice President & Secretary

14:08

PAGE 1 OF 3

FORM **GR-470-38** (6-76)

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
BELTSVILLE, MARYLAND 20705
OBJECTIVE DESCRIPTION OF VARIETY

Muskmeion (Cucumis meio	L,)
NAME OF APPLICANT(S)	VARIETY NAME OR TEMPORARY DESIGNATION
Northrup King Co.	< NKX 9007 MARATHON'
ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code) 1500 Jackson St. N.E., P.O. Box 959	FOR OFFICIAL USE ONLY PVPO NUMBER
Minneapolis, MN 55440	8200089
Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in first box (e.g. 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	
1. TYPE:	
1 = PERSIAN 2 = HONEY DEW 3 = CASABA 4 = CRENSHAW 6 - OTHER	5 = COMMON OR SUMMER
2. AREA <b>OF BEST ADAPTATION IN U.S.A.</b>	
1 = SOUTHEAST 2 = NORTHEAST/NORTHCENTRAL 3 = SOUTHWEST	4 = MOST AREAS
3. MATURITY (FROM SEEDING TO HARVEST):	
8 7 DAYS	
NO DAYS FARLIER THAN DP MARK	
PMR 45 (ECS  NO. DAYS LATER THAN Strain)  2 DELICIOUS S  3 = HONEY DEW (I	
$\frac{4}{a}$ No. Days Later than $\frac{4}{a}$ Strain) $\frac{4}{a}$	,
4. PLANT:	
1 = ANDROMONOECIQUS 2 = MONOECIOUS 3 = GYNOECIOUS 4	= OTHER
1 = VINE 2 = SEMI-BUSH 3 = BUSH	
5. LEAF (MATURE BLADE OF THIRD LEAF)	
SHAPE: 1 = ORBICULAR 2 = OVATE 3 = RENIFORM	
2 1 = NOT LOBED 2 = SHALLOWLY LOBED 3 = DEEPLY LOBED	
2 1 = LIGHT GREEN (HONEY DEW) 2 = MEDIUMGREEN 3 = DK. GREEN (F	RIO GOLD)
1 0 7 mm LENGTH 1 2 8 mm WIDT	н
1 SURFACE: 1 = PUBESCENT 2 = GLABROUS 3 = SCABROUS	
6. FRUIT (AT EDIBLE MATURITY):	
1 4 cm LENGTH 1 2 em DIAMETER	1 0 5 0 gm WEIGHT
2 SHAPE: 1 = OBLATE 2 = OVAL 3 = ROUND 4 = ELONGATE-CYLI	INDRICAL 5 = SPINDLE 6 = ACORN
2 SURFACE: 1 = SMOOTH 2 = NETTED 3 = CORRUGATED 4 = WAI	RTED
1 BLOSSOM SCAR: 1 = OBSCURE 2 = CONSPICOUS	
1 RIBS: 1 = ASSENT 2 = PRESENT	RIBS: N/A
0 NO. RIBS PER FRUIT 0 mm RIB WIDTH AT MEDIAL	1 = SMOOTH 2 = NETTED
SUTURES:	_
1 = SHALLOW (GOLDEN DELIGHT) 2 = MEDIUM 3 = DEEP (HACKENSAC 1 = SMOOTH 2 = NETTED	K) 4= No SUTURES - SEE EXHIBIT D
1 = SMOOTH 2 = NETTED	475 11210
3 SHIPPING QUALITY: 1 = POOR (HOME GARDEN) 2 = FAIR (SHORT DISTANC 3 = EXCELLENT (LONG DISTANCE SHIPPING)	E SHIPPING)
FRUIT ABSCISE: 1 = WHEN RIPE 2 = WHEN OVERRIPE 3 = DO NOT AB	asciss

PLANT HABIT FRUIT NETTING

FRUIT SIZE

11

FORM <b>GR-47C-38</b>			8200089 PAGE 3 OF 3	
14. INSECT RESIST	TANCE: (0 = UNTESTED, 1 = SUSCEPTIBLE, 2	= RESISTANT)	 	
0 APHID	0 PICKLE WORM	0 DARKLING GE	ROUND-BEETLE 0 BANDED CUCUMBER BEETLE	
0 міте	0 WESTERN SPOTTED CUCUMBER BEETLE	0 MELON LEAF	OTHER (Specify)	
0 WESTERN STRIPED O MELON LEAFMINER				
15. NAME A VARIET	TY THAT MOST CLOSELY RESEMBLES THAT SUB	MITTED FOR THE FO	OLLOWING CHARACTERISTICS:	
CHARACTER	VARIETY	CHARACTER	VARIETY	
DAYS MATURITY	PMR 45 <b>(\$12</b> Strain)	FRUIT SHAPE	PMR 45 (ECS Strain	
PLANT VIGOR	"	RIND COLOR	11	

FLESH AROMA

FLESH FLAVOR

FLESH COLOR

Ħ

PMR 45 (ECS Strain)

Top Mark

<sup>16.</sup> ADDITIONAL INFORMATION AND COMMENTS: